

UNITED STATES PATENT AND TRADEMARK OFFICE

**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Ex parte CARL T. WITTWER

Appeal 2007-0319
Application 10/074,169
Technology Center 1600

Decided: October 31, 2007

Before TONI R. SCHEINER, LORA M. GREEN, and NANCY J. LINCK,
Administrative Patent Judges.

LINCK, *Administrative Patent Judge.*

DECISION ON APPEAL

This is an appeal under 35 U.S.C. § 134 involving claims to an automated method for detecting and reporting the presence of nucleic acids using polymerase chain reaction, a fluorescent detecting entity, and a melting temperature analysis. The Examiner has rejected all the claims based on two grounds: obviousness-type double patenting and under 35 U.S.C. § 103(a). We have jurisdiction under 35 U.S.C. § 6(b).

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We agree with the rejections and responses to Appellant's arguments that are set out in the Examiner's Answer, and therefore adopt the Examiner's reasoning as our own. The Examiner's rejections are affirmed.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R. § 1.136(a).

AFFIRMED

LP

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